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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,665	01/24/2001	Mikael Berner	BVOC009	5409

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BEVOCAL, INC.
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EXAMINER

NOLAN, DANIEL A

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,665

Applicant(s)

BERNER ET AL.

Examiner

Daniel A. Nolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

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DETAILED ACTION

(Note that as of October 1, 2002 a new **Art Unit 2655** was established that includes this application, and that this new AU number should be used in all future correspondence.)

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because item 235 (in figure 2) is not mentioned in the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, such as:

- The pages were not numbered, so references will be made using the title page having assignee and agent as the 1st page.
- "Other's" in line 25 (of the 9th page) should be possessive.

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- "*and the Newco*" (end of 16th page) is not explained. The Examiner is proceeding with the understanding that this is a term for a business entity, and that the phrase can be replaced by making the word "*clients*" plural.
- The phrase, "*there is therefore a need...*" (last line, 4th page) is incongruous, considering that the preceding background text makes no mention of a need, deficit, lack or shortcoming that would support the statement.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

"Delivery of Content that is Localized Using Speech Recognition".

4. The use of trademarks such as "MapquestTM" (as in figure 4 & pages 26-27), "AT&T WatsonTM" (as in at the top of page 3) and others is noted in this application. This and other (such as might appear in the disclosure, as with the proprietary languages on the 12th , 18th & etc.) trademarks and service marks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

5. Claim 3 is objected to because of the following informalities:
- There is insufficient antecedent basis for the limitation "*the current address*" in line 3 of the claim. The Examiner is proceeding with the understanding that the phrase should be read "*the current location*".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Ito

7. Claims 1-5, 7-11 and 13-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Ito (U.S. Patent 6,243,675 B1).

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8. Regarding claims 1, 7 and 13, the *system and method of automatically switching information output format of Ito* addresses each limitation of the immediate application for providing localized content as follows:

- *Ito* (22a→2210 in figure 2) reads on the feature of *receiving from a user an utterance representative of content*;
- *Ito* (40a in figure 4) reads on the feature of *transcribing the utterance utilizing a speech recognition process*.
- *Ito* (50 in figure 1) reads on the feature of *determining a current location of the user*.
- *Ito* (10←→91-91e in figure 6) reads on the feature of *querying a database for retrieving the content based on the transcribed utterance and the current location*.

9. Regarding claims 2, 8 and 14; the claims are set forth with the same limits as claims 1, 7 and 13, respectively. *Ito* (column 4 lines 52-58) reads on the feature that *the current location is determined utilizing the speech recognition process*.

10. Regarding claims 3, 9 and 15; the claims are set forth with the same limits as claims 1, 7 and 13, respectively. *Ito* (column 4 lines 64-67) reads on the feature that *the speech recognition process includes querying one of a plurality of databases based on the current address*.

11. Regarding claims 4, 10 and 16; the claims are set forth with the same limits as claims 3, 9 and 15, respectively. lto (30-33 in figure 1) reads on the feature that *the speech recognition process includes grammars representative of the current location.*

12. Regarding claims 5, 11 and 17; the claims are set forth with the same limits as claims 1, 7 and 13, respectively. lto (column 3 lines 28-30) reads on the feature that *the current location is determined by a source of the utterance.*

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Zlatsin et al, Gao et al & Ito

15. Claims 1, 6, 7, 12, 13 and 18 are rejected under 35 U.S.C. 102(a) as being unpatentable over Zlatsin et al (U.S. Patent 6,377,296 B1) in view of Gao et al (U.S. Patent 6073096) and further in view of Ito.

16. Regarding claims 1, 7 and 13, the *virtual map system and method for tracking objects* of Zlatsin et al addresses each limitation of the immediate application for *providing localized content* as follows:

- Zlatsin et al (10 in figure 2) reads on the feature of *receiving from a user an utterance representative of content*;
- While Zlatsin et al (column 3 lines 48-53) conforms to the definition of “*transcribe*” as used by the instant application – of operating on vocal instructions – as an intermediate step in the process of translating spoken words to machine-understandable of most recognition processes, they do not specifically make note of the operation as drawn to by the instant application (1404 in figure 14 at top of page 28).

Consequently, the Speaker adaptation system and method based on class-specific pre-clustering training speakers of Gao et al (column 7 lines 32-33) reads on the feature of *transcribing the utterance utilizing a speech recognition process*

which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gao et al to the device/method of Zlatsin et al so as to only have to translate vocalizations once, to produce intermediate results that can be used or displayed as required.

- Zlatsin et al does not report the position of items relative to the user, so would not require *locating the user*. In addressing but one of the different methods for locating the user that are disclosed by the Applicant in the Specification (last paragraphs in the 26th page), the *system and method of automatically switching information output format* of Ito (column 1 lines 19-24) reads on the feature of *determining a current location of the user*.

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Ito to the device/method of Zlatsin et al so as to both for recognition, to recognize the likely dialect/language of the user, and to prepare directions to follow to achieve an object.

- Zlatsin et al (column 1 line 11) reads on the feature of querying a database for retrieving the content based on the transcribed utterance and the current location.

17. Regarding claims 6, 12 and 18; the claims are set forth with the same limits as claims 1, 7 and 13, respectively. Zlatsin et al (305 in figure 3) reads on the feature that

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the utterance is received (... and parsed in column 2 line 13-14), and the database queried utilizing a network (the Internet in column 2 lines 8-11).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hutchins (U.S. Patent 5,208,897 A) *speech recognition based on sub-syllable spellings* transcribes the "*recognition result*" (of claim 1 lines 47-52) assigning sub-syllables to cohesive speech segments on acoustic attributes then converting sub-syllables sequence to syllables then to words.
- Bowen (U.S. Patent 5,561,737 A) is a voice actuated switching system that deduces the origin of a speaker to prepare for recognition.
- Iwata (U.S. Patent 6,385,582 B1) is a man-machine system equipped with speech recognition device that considers the origin and environmental factors in preparing for recognition.
- Ditzik (U.S. Patent 6,167,376 A) system with integrated telephony, handwriting and speech recognition functions.
- Attwater et al (U.S. Patent 5,940,793 A) employs the Internet and the source location of the user to provide voice-operated services.

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19. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at (703) 305-4827.

The fax phone number for Technology Center 2600 is (703) 872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE".

Formal response to this action may be faxed according to the above instructions, or mailed to:

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or hand-delivered to:

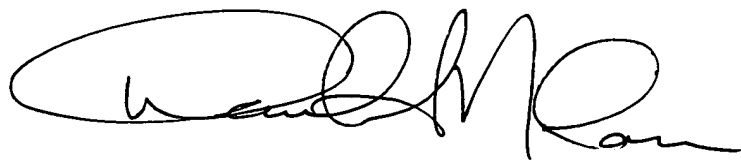
Crystal Park 2,
2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan
Examiner
Art Unit 2655

DAN/d

March 15, 2003

A handwritten signature in black ink, appearing to read 'Daniel A. Nolan', with a large, stylized initial 'D' and 'N'.

**DANIEL NOLAN
PATENT EXAMINER**